THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

W.P.No.34752 of 1998

Jangili Mallanna

……..Petitioner

vs.

The Municipal Council, Jagtial.
Guntur and another.

…..Respondent.

THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

W.P.No.34752 of 1998

O R D E R:

In this writ petition, the petitioner seeks a declaration that the action of the respondent in interfering with his possession and enjoyment of plot of land admeasuring 605 sq.yards in Sy.No. 73/ (73/A) for the purpose of laying a road is illegal and arbitrary.

2) It is stated that the petitioner had purchased the above piece of land under registered sale deed dated 17.1.1984 from its earlier owners and possessors, namely, Sambari Anandam and others. It is further stated that though no steps have been taken to acquire the land for any public purpose, the respondent was laying the road through the above said plot under 'Janmabhoomi' programme notified by the Government.

3) At the stage of admission, as early on 12.12.1998 while admitting the writ petition, this Court granted interim direction. The said direction continued all along. Though the writ petition is of 1998, no counter affidavit is filed and there is no representation on behalf of the respondent.

4) From the documents filed in the material papers, it is

evident that the petitioner had purchased this piece of land by registered sale deed. While it is open to the respondents to take steps in accordance with law, if they intend to lay a road for public purpose, but at the same time, the petitioner cannot be deprived of his property as otherwise than by due process of law. Inasmuch as no counter affidavit is filed by the respondent and the interim order passed by this court continued all along, I deem it appropriate to dispose of the writ petition, directing the respondent not to interfere with the possession of the petitioner over the plot of 605 sq.yards in S.No.73/A situated at Mupparam Tank Road, Jagtial village, Karimnagar District. However, it is made clear that either for laying of road or for any public purpose, if this piece of land of the petitioner is required, it is open to the respondent to take steps in accordance with law for acquisition of the land.

5) Subject to the above direction, the Writ Petition is disposed of. No costs.

JUSTICE R.SUBHASH REDDY

3rd April, 2007.

BCS